

UN CRC	Ratification Date	Care-Related Concluding Observations
CRC/C/NZL/CO/5	6 Aug 1993	<p>21 Oct 2016</p> <p><b>Committee on the Rights of the Child</b></p> <p>Concluding observations on the fifth periodic report of New Zealand*</p> <p>III. Main areas of concern and recommendations</p> <p>4. The Committee reminds the State party of the indivisibility and interdependence of all rights under the Convention and emphasizes the importance of all recommendations contained in the present concluding observations. The Committee would like to draw the State party's attention to the following recommendations that require the adoption of urgent measures: violence, abuse and neglect (para. 23); children deprived of a family environment (para. 28); standard of living (para. 36); children belonging to minority or indigenous groups (para. 42); child labour (para. 44); and juvenile justice (para. 45).</p> <p>A. General measures of implementation (arts. 4, 42 and 44 (6)) A. General measures of implementation (arts. 4, 42 and 44 (6))</p> <p><b>Data collection</b></p> <p>10. In the light of its general comment No. 5 (2003) on general measures of implementation, the Committee recommends that the State party:</p> <p>(a) <b>Develop a comprehensive mechanism for data collection and an information system on all areas of the Convention. The data should be disaggregated by age, sex, disability, geographic location, ethnic origin, nationality and socioeconomic background, to facilitate analysis on the situation of all children, and particularly Maori and Pasifika children, children in care, children with disabilities, children living in poverty, refugee, asylum-seeking and migrant children and children in other situations of vulnerability;</b></p>

\* Adopted by the Committee at its seventy-third session (13-30 September 2016).

		<p><b>Dissemination, awareness-raising and training</b></p> <p>12. The Committee recalls its previous recommendation (CRC/C/NZL/CO/3-4, paras. 19 and 21) and recommends that the State party:</p> <p>(a) Strengthen its currently limited awareness-raising programmes, campaigns and dissemination activities, including through increased dedicated awareness-raising funding to the Office of the Children’s Commissioner, in order to ensure that the provisions of the Convention are widely known by the general public, including parents, caregivers, teachers, youth workers and other professionals working with children, and children themselves.</p> <p><b>Best interests of the child</b></p> <p>16. In the light of its general comment No. 14 (2013) on the right of the child to have her or his best interests taken as a primary consideration, the Committee recommends that the State party amend the Family Dispute Resolution Act 2013 to include an explicit requirement to comply with that obligation. It also recommends that the State party strengthen its efforts to ensure that this right is appropriately integrated and consistently interpreted and applied in all legislative, administrative and judicial proceedings and decisions, in particular with regard to family law, social security legislation, children in care (particularly Maori children), sentencing of parents and in the refugee determination process. The State party is encouraged to develop procedures and criteria to provide guidance to all relevant professionals for determining the best interests of the child in every area and for giving it due weight as a primary consideration.</p> <p><b>F.Family environment and alternative care (arts. 5, 9-11, 18 (1) and (2), 20, 21, 25 and 27 (4))</b></p> <p><b>Children deprived of a family environment</b></p> <p>27. The Committee welcomes the reports of the Children’s Commissioner on the State of Care 2015 and 2016 and of the Modernizing Child, Youth and Family Expert Panel, and the State party’s commitment to respond to their recommendations. The Committee is however seriously concerned about:</p>
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		<p>(a) Deficiencies in the State party’s care system, including lack of consideration for the best interests of the child and for the views of the child — regarding decisions directly affecting her or him; and lack of clarity regarding a child-centred approach leading to inconsistent practices towards children, in particular Maori children and children with disabilities;</p> <p>(b) Enduring inadequate cultural capability of the State care system, despite recent efforts, which has a disproportionate impact on Maori families and children, who make up over half of the children in State care;</p> <p>(c) Inadequate resources allocated to care placements, including insufficient case oversight and training for care personnel, and to caregivers, which hinders their recruitment, and hurdles faced by permanent caregivers to obtain special guardianship, which may negatively affect the child’s well-being and be contrary to his or her best interests;</p> <p>(d) Insufficient data on children’s outcomes, including regarding education, health and well-being, while in care and after they leave;</p> <p>(e) The State party’s intent to outsource some care services to private providers in the absence of appropriate accountability frameworks.</p> <p><b>28. Drawing the State party’s attention to the Guidelines for the Alternative Care of Children (General Assembly resolution 64/142, annex), the Committee urges the State party:</b></p> <p>(a) <b>When reforming the care system, to ensure that the best interests of the child are taken into account as a primary consideration in every case and that the child is heard in all matters affecting her or him; ensure a common understanding of a child-centred approach across the care system; and regularly monitor the implementation of the reform and its impact on children’s outcomes, with particular attention to Maori children and children with disabilities;</b></p> <p>(b) <b>To strengthen its efforts to improve the cultural capability of care and protection system and its engagement with Maori communities, the <i>whanau</i> (extended family), <i>hapū</i> (sub-tribal groupings) and <i>iwi</i> (tribal groups), including by implementing the recommendations of the Children’s Commissioner’s 2015 report entitled “State of Care”,<sup>1</sup> with a view to addressing the overrepresentation of Maori children in State care;</b></p>
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<sup>1</sup> Available from [www.occ.org.nz/assets/Publications/OCC-State-of-Care-2016.pdf](http://www.occ.org.nz/assets/Publications/OCC-State-of-Care-2016.pdf).

		<p>(c) To allocate adequate human, technical and financial resources to care services, in particular care placement, case oversight and caregivers and ensure that the child's best interests are taken into account as a primary consideration in guardianship decisions;</p> <p>(d) To improve the data collection on children's outcomes, including regarding education, health and well-being, while they are in care and after they leave care, to adopt evidence-based approaches to improving the care and protection system;</p> <p>(e) To ensure that any outsourcing to private care service providers is closely monitored for compliance with the provisions of the Convention;</p> <p>(f) To ensure that the reform of the Child, Youth and Family Department of the Ministry of Social Development is supported by adequate human, technical, financial and organizational resources so that children's rights are fully respected during the transition to the new operating model and afterwards.</p> <p><b>Adoption</b></p> <p>29. The Committee welcomes the New Zealand Human Rights Review Tribunal decision of March 2016 declaring the Adoption Act 1955 and the Adult Adoption Information Act 1985 discriminatory on the grounds of age, sex, marital status and disability. Recalling its previous recommendations (CRC/C/15/Add.216, para. 34 and CRC/C/NZL/CO/3-4, para. 34), the Committee recommends that the State party:</p> <p>(a) Promptly review the adoption legislation, on hold since before 2003, to align it with the Convention;</p> <p>(b) Ensure that the best interests of the child are a paramount consideration in all adoption cases;</p> <p>(c) Ensure in practice that the child's views are heard and consent is required, in accordance with the child's evolving capacities in adoption processes;</p> <p>(d) Ensure the right of adopted children to access information about their biological parents, their culture and identity.</p>
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		Country Report
<b>OPSC to CRC</b>	<b>Ratification Date</b>	<b>Care-Related Concluding Observations</b>
	20 Sep 2011	
<b>OPAC to CRC</b>	<b>Ratification Date</b>	<b>Care-Related Concluding Observations</b>
	12 Nov 2001	
<b>ICCPR</b>	<b>Ratification Date</b>	<b>Care-Related Concluding Observations</b>
	12 Feb 1990	
<b>ICESCR</b>	<b>Ratification Date</b>	<b>Care-Related Concluding Observations</b>
	28 Dec 1978	
<b>CEDAW</b>	<b>Ratification Date</b>	<b>Care-Related Concluding Observations</b>
	10 Jan 1985	
<b>CRPD</b>	<b>Ratification Date</b>	<b>Care-Related Concluding Observations</b>
	25 Sep 2008	
<b>UPR</b>	<b>Date of Consideration</b>	<b>Link to Page</b>
	27 January 2014	<a href="http://www.ohchr.org/EN/HRBodies/UPR/Pages/NZSession18.aspx">http://www.ohchr.org/EN/HRBodies/UPR/Pages/NZSession18.aspx</a>

Hague Intercountry Adoption	Accession Date	Link to Country Profile
	5 Nov 2002	<a href="https://www.hcch.net/en/states/hcch-members/details1/?sid=57">https://www.hcch.net/en/states/hcch-members/details1/?sid=57</a>

**Acronyms and Abbreviations:**

CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CRC	Convention on the Rights of the Child/Committee on the Rights of the Child
CRPD	Convention on the Rights of Persons with Disabilities
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
OPAC to CRC	Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict
OPSC to CRC	Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography
UN	United Nations
UPR	Universal Periodic Review